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MESSAGE:

Re: App. Ser. No 10/743,975

PROPOSED EXAMINER'S AMENDMENT

Patent, Trademark and Copyright Attorneys

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Application Serial No. 10/743,975

Attorney Docket No. EPICEN-09587

Attention: Angela Bertagna

Re: Proposed Examiner's Amendment

Dear Examiner Bertagna:

After reviewing your proposal, the client cannot accept the proposed amendment as drafted. We would like to propose a modified amendment to the claims, which hopefully addresses your concerns:

A method of making RNA comprising:

- (a) obtaining a N4 virion RNA polymerase consisting of a biologically functional equivalent of wild-type mini-vRNAP comprising a sequence essentially as set forth in SEQ ID NOS: 4, 6, or 8 ~~either: mini-vRNAP; or the Y678F mutant form of mini-vRNAP, wherein the amino acid at position number 678 is phenylalanine rather than tyrosine;~~
- (b) obtaining a single-stranded DNA oligonucleotide wherein said single-stranded DNA oligonucleotide contains a N4 virion RNA polymerase promoter sequence;
- (c) admixing said N4 virion RNA polymerase and said single-stranded DNA oligonucleotide; and
- (d) culturing said N4 virion RNA polymerase and said single-stranded DNA oligonucleotide under conditions effective to allow RNA synthesis.

The amended claim finds support throughout the specification, including, for example:

[0093] The term "a sequence essentially as set forth in SEQ ID NO:2 means, for example, that the sequence substantially corresponds to a portion of SEQ ID NO:2 and has relatively few amino acids that are not identical to, or a biologically functional equivalent of, the amino acids of SEQ ID NO:2. This applies with respect to all peptide and protein sequences herein, such as those of SEQ ID NO:4, 6, 8 and 15.

[0094] The term "biologically functional equivalent" is well understood in the art and is

further defined in detail herein. Accordingly, sequences that have about 30%, 31%, 32%, 33%, 34%, 35%, 36%, 37%, 38%, 39%, 40%, 41%, 42%, 43%, 44%, 45%, 46%, 47%, 48%, 49%, 50%, 51%, 52%, 53%, 54%, 55%, 56%, 57%, 58%, 59%, 60%, 61%, 62%, 63%, 64%, 65%, 66%, 67%, 68%, 69%, 70%, 71%, 72%, 73%, 74%, 75%, 76%, 77%, 78%, 79%, 80%, 81%, 82%, 83%, 84%, 85%, 86%, 87%, 88%, 89%, 90%, 91%, 92%, 93%, 94%, 95%, 96%, 97%, 98%, or about 99%, and any range derivable therein, such as, for example, about 70% to about 80%, and more preferably about 81% and about 90%; or even more preferably, between about 91% and about 99%; of amino acids that are identical or functionally equivalent to the amino acids of SEQ ID NO:2 will be sequences that are "essentially as set forth in SEQ ID NO:2," provided the biological activity of the protein is maintained. In particular embodiments, the biological activity of a vRNAP protein, polypeptide or peptide, or a biologically functional equivalent, comprises transcription. A preferred transcriptional activity that may be possessed by a vRNAP protein, polypeptide or peptide, or a biologically functional equivalent, is RNA synthesis using single-stranded N4 vRNAP promoter-containing DNA as a template.

[0235] In certain embodiments, the present invention concerns novel compositions or methods comprising at least one proteinaceous molecule. The proteinaceous molecule may have a sequence essentially as set forth in SEQ ID NO:2, 4, 6, 8 or 15. The proteinaceous molecule may be a vRNAP or more preferably a mini-vRNAP, or a delivery agent. The proteinaceous molecule may also be a mutated mini-vRNAP.

Please contact me at (608) 662-1277 at your convenience to discuss.

Best Regards,

David Staple